

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : :
Brian L. Jackson et al. : Group Art Unit: 3623
Appln. No.: 10/033,943 : Examiner: Romain Jeanty
Filed: December 28, 2001 : Confirmation No.: 8965
For: COMPLIANCE MANAGEMENT : Customer No.: 21967
SYSTEM AND METHOD : :

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REPLY BRIEF

Sir:

In response to the Examiner's Answer dated July 3, 2007,
maintaining the rejection of pending claims 1-41, Appellants
respectfully submit this reply brief.

I. Status Of Claims

Claims 1-6, 24-28 and 38-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sturgeon et al. (U.S. Patent No. 5,726,884). Claims 7-23 and 29-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sturgeon et al. (U.S. Patent No. 5,726,884) in view of Dialog (Santa Fe Pacific Corp.). The rejection of claims 1-41 is appealed.

II. Grounds Of Rejection To Be Reviewed On Appeal

The following grounds of rejection are to be reviewed on appeal:

- 1) The rejection of claims 1-6, 24-28 and 38-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sturgeon et al. (U.S. Patent No. 5,726,884).
- 2.) The rejection of claims 7-23 and 29-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sturgeon et al. (U.S. Patent No. 5,726,884) in view of Dialog (Santa Fe Pacific Corp.).

III. Argument

A. The Examiner's Answer Never Identifies Any Teaching in Sturgeon Where a Resource is Scheduled to Respond to a Compliance Event

The Examiner's Answer fails to address a critical point regarding the deficiency in the Sturgeon reference. Sturgeon does not teach the claimed step of "scheduling the resource to respond to the compliance event," as recited in claim 1.

The Examiner's Answer includes an assertion that "Sturgeon discloses a human resource management system for scheduling resources in the event of an emergency." The Examiner's Answer also includes an assertion that this is disclosed by Sturgeon's alleged teaching of "a human resource grouping (training, exposure limits, etc.), a hazardous commitment management grouping (compliance requirements and deadlines), an emergency management grouping planning for and response to unscheduled releases, and a facility management grouping that can be used by or for response to a regulatory agency. Note abstract of Sturgeon." Appellants respectfully submit that none of these alleged teachings of Sturgeon teach the "scheduling the resource to respond to the compliance event," as recited in claim 1. Furthermore, nothing in the abstract teaches "scheduling the

resource to respond to the compliance event." First, a human resource grouping as cited by the Examiner is for tracking training and exposure limits not scheduling resources. Second, a hazardous commitment management grouping may mention deadlines and compliance requirements, but there is no teaching of scheduling a resource to respond to a compliance event. Third, an emergency management grouping is for planning for and response to **unscheduled** releases not "scheduling [a] resource to respond to the compliance event." Fourth, a facility management grouping is disclosed as being used by or for response to a regulatory agency, not scheduling resources. The abstract fails to provide a teaching to remedy this deficiency.

The Examiner's Answer further includes an assertion that the "features upon which applicant relies (i.e., a natural gas line repair, service, inspection, follow-up) are not recited in the rejected claims(s)." Appellants respectfully submit that the Appeal Brief read in context shows that the Appellants included these features for clarification but do not rely on these features. Specifically, the relevant portion of the Appeal Brief states "[i]n contrast, claims 1, 24, 28, and 38 recite scheduling an appropriate resource to respond to a particular compliance event (e.g., a natural gas line repair,

service, inspection, follow-up, etc.). Nowhere does Sturgeon et al. disclose, or even suggest, such a feature." (Appeal Brief, Page 18). Clearly, the portion of the appeal brief referred to in the Examiner's Answer relies on "scheduling an appropriate resource" as emphasized by the underline and further discussion in the paragraph. In context, it is plain to see that "the features upon which Applicant relies" as asserted in the Examiner's Answer are merely cited as examples of compliance events for clarification and are not an essential portion of the argument. Thus, the argument in the Examiner's Answer that the Appellants rely upon features not cited in the claims fails.

B. Sturgeon Fails To Teach Or Suggest a Main Computer and a Remote Computer Adapted to Communicate With the Main Computer Displays and Modifies Only a Remote Portion of the Compliance Events and Resources

The cited features of Sturgeon fail to teach or suggest the elements of claim 1 because they fail to teach "a computer system including a main computer and a remote computer adapted to communicate with the main computer" as recited in claim 1. The Examiner's Answer fails to remedy this deficiency.

The Examiner's Answer includes an assertion that "Sturgeon et [al.] discloses a computer and display system for communication purposes. Note col. 23 line 60 through col. 24

line 40." Appellants respectfully submit that a computer and a display system does not teach "a computer system including a main computer and a remote computer adapted to communicate with the main computer." It certainly does not teach "a computer system including a main computer and a remote computer adapted to communicate with the main computer ... the remote computer accessing a remote program operative to display and modify only a remote portion of the plurality of compliance events and only a remote portion of the plurality of resources of the database." Furthermore, nothing in Sturgeon, col. 23 line 60 through col. 24 line 40 teaches "a computer system including a main computer and a remote computer adapted to communicate with the main computer," as claimed. The cited portion of Sturgeon refers to multiple computer screen displays which are disclosed as being on a single computer monitor. Specifically, col. 24, lines 24-32 state:

Each of the computer screens for a given Function, such as Chemical Profile, is optionally provided with a small block, appearing in the upper left corner or elsewhere on the screen, and containing one of three marks or indicia:> or < or <>. For a Function that has N associated computer screens ($N \geq 2$), these indicia indicate whether the presently displayed screen is the first screen ($n=1$), the last screen ($n=N$) or one of the intermediate screens

($2 \leq n \leq N-1$), respectively among that group of N screens.

(Sturgeon, Col. 24, lines 24-32, emphasis added)

Clearly, read in context, the reference discloses multiple screens on a single display and not "a computer system including a main computer and a remote computer adapted to communicate with the main computer." Furthermore, language regarding the "Chemical Locator and MSDS By Locations Functions" (Col. 24, lines 12-13) and similar language in the cited portion of Sturgeon refer to the reference's ability to store information about waste and chemicals, which themselves are located in multiple locations. There is no teaching in the cited portions of Sturgeon about the system being located in multiple locations or more specifically about "a main computer and a remote computer adapted to communicate with the main computer." Thus, the Examiner's Answer fails to address this deficiency of Sturgeon.

The Examiner's Answer further includes an assertion that "the features upon which applicant relies (i.e., display **and modify** only a remote portion...) are not recited in the rejected claim(s)." (Examiner's Answer, page 10, emphasis original). Appellants respectfully submit that claim 1 as listed in the claims appendix of the Appeal Brief recites "...the remote

computer accessing a remote program operative to **display and modify only a remote portion** of the plurality of compliance events and only a remote portion of the plurality of resources of the database...." (emphasis added). Appellants respectfully submit that the Examiner's Answer includes a statement on page 2 thereof that "the copy of the appealed claims contained in the Appendix to the brief is correct." Thus, the Appellants submit that the Examiner's Answer fails to address the argument in the Appeal Brief that Sturgeon fails to disclose "the remote computer accessing a remote program operative to display and modify only a remote portion of the plurality of compliance events and only a remote portion of the plurality of resources of the database."

C. The Examiner Has Failed to Establish a Prima Facie Case of Obviousness

The Examiner's Answer additionally includes an assertion that "all conditions to establish a prima facie case of obviousness are met in the final office action." The Examiner's Answer includes another assertion that "combining Sturgeon et al with Dialog would have been obvious to a person in the ordinary skill in the [art] with the motivation to allow users to effectively receive and transmit information." Appellants

respectfully disagree. As discussed above and in the Appeal Brief, Sturgeon has a number of deficiencies which are not cured by combination with Dialog. There must be "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740-41 (2007). In the present case, Dialog is cited on page 7 of the Examiner's Answer to allegedly disclose "cathodic protection events." Dialog does not disclose "a computer system including a main computer and a remote computer adapted to communicate with the main computer" or the other deficiencies of Sturgeon discussed above. Therefore, it would not be obvious as asserted on page 11 of the Examiner's Answer to combine Dialog with Sturgeon "with the motivation to allow users to effectively receive and transmit information." Furthermore, as Dialog is not asserted to cure the previously discussed deficiencies of Sturgeon, nor does it do so, there is no rational underpinning to support the legal conclusion of obviousness of the present application with regards to the proposed combination of Sturgeon and Dialog. Thus, the Examiner's Answer has failed to provide a *prima facie* case of obviousness.

IV. Conclusion

Appellants submit that the pending claims are allowable over the cited references. Accordingly, Appellants respectfully request that the Board reverse the prior art rejections set forth in the Final Office Action. Appellants respectfully submit that no other fees are required in connection with this request. However, in the event it is determined that a further fee is necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge or credit the undersigned's deposit account number 50-0206.

Respectfully submitted,

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